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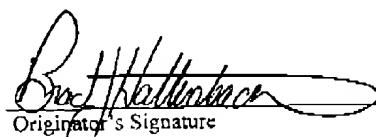
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COMMENTS:  
Response to Office Action dated 26 October 2001 in  
Application Serial No. 09/812,140



Original's Signature

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Attorney Docket No. 5740.02

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 2826

Examiner: Williams, Alexander

## IN RE THE APPLICATION OF:

INVENTORS: NEUHAUS et al.

APPLICATION NO.: 09/812,140

FILING DATE: 19 March 2001

TITLE: ELECTRICAL COMPONENT ASSEMBLY AND METHOD  
OF FABRICATION

## RESPONSE TO RESTRICTION REQUIREMENT WITH TRAVERSE

VIA FACSIMILE TO TC2800 AT 703-872-9318

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Name: Juliet LeMaySignature: Juliet LeMay

Box Non-Fee Amendment  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

This letter is in response to an office action dated 26 October 2001 wherein the Examiner required restriction of the claims under 35 U.S.C. § 121 to one of two inventions. The Examiner suggests that the application claims two inventions:

- I. Claims 21-28 and 48-54, drawn to an electrical component assembly; and
- II. Claims 1-20, 29-49, and 55-92, drawn to a method of making an electrical component assembly.

Applicants respectfully traverse the Examiner's requirement for restriction. The examiner has failed to show either 1) the process as claimed can be used to make another and materially different product, or 2) the product as claimed can be made by another and materially different process. 37 M.P.E.P. § 806.05(f). The examiner merely states this rule,

Attorney Docket No. 5740.02

but fails to indicate whether he is invoking either or both of these tenets or how either tenet is applied to the claims.

The examiner provides examples of two different orders for steps in a particle plating process as claimed in claims 56-92. Applicants presume, by the nature of the examples, the Examiner has suggested the possibility of two processes and therefore believes that the second rule is applicable, i.e., that the product as claimed can be made by another and materially different process. However, the Examiner never states why his examples of two different orders for drawing a flexible tape substrate through various baths in a particle plating process are examples of materially different processes. There is no explanation of why such different orders of steps would be considered different processes, much less what is materially different about them.

Applicants submit that the method of claims 1-20, 29-47, and 55 is not an independent and distinct invention under 35 U.S.C. § 121 from the electrical component assembly as claimed in claims 21-28 and 48-54. The Examiner has not shown why these method and component claims are independent and distinct inventions. Therefore, Applicants respectfully request the Examiner reconsider and withdraw the restriction requirement as between these claims.

Pursuant to 37 C.F. R. § 1.143, Applicants provisionally elect for prosecution Group I of the claims as identified by the Examiner as drawn to an electrical component assembly, pending the Examiner's consideration of Applicants' traverse of and request for reconsideration of the restriction requirement.

Respectfully submitted this 20<sup>th</sup> day of November 2001.



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